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AUG 06 2007

OFFICE OF PETITIONS

In re Application of	:	
Glenn Morrow	:	
Application No. 10/619,032	:	DECISION REFUSING STATUS
Filed: July 14, 2003	:	UNDER 37 CFR 1.47(b)
Attorney Docket No. P1027/15509RRUS:		

This is in response to the petition under 37 C.F.R. § 1.47(b), filed July 2, 2007.

The petition under 37 C.F.R. § 1.47(b) is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 C.F.R. § 1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor.

Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 C.F.R. § 1.136(a).

The above-identified application was filed on July 14, 2003. However, the oath or declaration submitted with the application was defective, as pointed out to applicants in a non-final Office action mailed on March 28, 2007. In reply, applicant filed the instant petition on July 2, 2007, made timely by including a Certificate of Mailing dated June 28, 2006.

A grantable petition under 37 C.F.R. § 1.47(b) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 37 C.F.R. § 1.63; (3) the petition fee; (4) a statement of the last known address of the non-signing inventor; (5) proof that the Rule

47(b) applicant has sufficient proprietary interest in the subject matter to justify the filing of the application; and (6) proof of irreparable damage. The instant petition does not satisfy requirement (2).

As to requirement (2), Rule 47 applicant has not submitted a proper oath or declaration. On renewed petition, applicant must submit an oath or declaration in compliance with 37 C.F.R./§ 1.63. As set forth in MPEP 409.03(b), the "37 CFR 1.47(b) applicant must make the oath required by 37 CFR 1.63 and 1.64 or 1.175." The title or position of the person signing must be stated if signing on behalf of a corporation. A corporation may authorize any person, including a registered attorney or agent, to sign the oath or declaration on its behalf. Where an oath or declaration is signed by a registered attorney or agent on behalf of a corporation, proof of the attorney's or agent's authority in the form of a statement signed by the appropriate corporate officer must be submitted, or the attorney or agent can simply state that he or she is authorized to sign on behalf of the corporation.

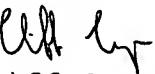
Here, the declaration submitted by Rule 47 applicant was executed by attorney Crane. However, Rule 47 applicant has not submitted proof of Crane's authority to sign the declaration on behalf of the assignee. Petitioner points out that Crane was appointed with a power of attorney by inventor Morrow. However, "an inventor may not authorize another individual to act as his or her agent to sign the application oath or declaration on his or her behalf." MPEP 409.03(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

By FAX: (571)273-8300
Attn: Office of Petitions

Telephone inquiries related to this decision may be directed to the undersigned at (571)272-3207.


Cliff Congo
Petitions Attorney
Office of Petitions